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ABSTRACT

This paper presents an overview of the development of child support in America. A review of the English common law from which U.S. laws evolved provides a glimpse into the ways that institutions of marriage and the family were viewed in the 19th century. The development of American law reflects the transformation of family structure by technological and economic advances. Changing gender roles, greater control over reproduction, increased longevity, and geographic and occupational mobility, are some factors that are shaped by such advances. These factors exert a powerful influence on marriage and the family; in particular, they have brought about increases in families headed by never-married and divorced mothers. A disproportionate share of these families live in poverty. The collection of child support is seen as a remedy to the burgeoning problem of children and mothers on welfare. This link between welfare and child support has moved the locus of control from a state to a federal issue. The Family Support Act of 1988 has brought about dramatic change in child support through a requirement that states develop a rebuttable presumption schedule. The Family Support Act also moves to narrow gaps in collection of support in two of the most troublesome types of cases, paternity and interstate. Proposals for changing the child support system are discussed. (Author/RH)

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CHILD SUPPORT
THE DILEMMA OF A NATION

By

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ABSTRACT

This paper presents an overview of the development of child support in America. By reviewing the English common law from which our laws evolved, it provides a glimpse into how the institutions of marriage and the family were viewed in the nineteenth century. As laws are traced over time in America, it is possible to see a reflection of how family structure is transformed by technological and economic advances, which ripple through society. Changing gender roles, greater control over reproduction, increased longevity, greater geographic and occupational mobility are some of the factors that are shaped by these advances and that exert a powerful influence on marriage and the family. As a result, there are many more female-headed families, made up of never-married and divorced mothers. Unfortunately, a disproportionate share of these families share the bond of poverty. The collection of child support is seen as a remedy to the burgeoning problem of children and their mothers on welfare. This link between welfare and child support has moved the locus of control from a state issue to a federal issue. The current emphasis on welfare reform has brought child support center stage. The Family Support Act of 1988 has affected dramatic change in the area of child support through the requirement that states develop a rebuttable presumption schedule. The Family Support Act also moves to narrow gaps in collecting support from two of the most troublesome types of cases, paternity and interstate. Appropriate use of an administrative process rather than the more cumbersome URESA process can facilitate resolving interstate cases. A central computer-sharing system among five states is providing a rapid flow of information, helping to resolve interstate cases. Having fathers acknowledge paternity while at the hospital for their children is increasing the number of child support orders, and hopefully will improve collections. Finally, proposals for changing the current child support system are presented and discussed, raising such questions as whose financial responsibility it is to support children of alternate families and whether the United States should move toward some form of Child Support Assurance System.

INTRODUCTION

Child support is a complex issue embroiled in controversies and entangled in a web of litigation, federal mandates and special interest groups. There is a broad consensus among individuals at opposite ends of the political spectrum that stronger efforts by the states are justified to compel absent fathers to support their children. "Conservatives tend to see these measures as enforcing traditional family obligations whereas liberals tend to see them as providing assistance to women and children" (Cherlin 1988:16). Cross-cutting this consensus, however, are advocacy and special interest groups.

Advocacy groups represent custodial parents and noncustodial parents from each of their respective viewpoints. Litigation is undertaken by advocates "to make the state IV-D

agencies do their job"[1] (Houseman 1990:6). Then, there are the special interest groups comprised of custodial parents and those comprised of noncustodial parents, and often their new spouses. Typically, custodial parents' groups want higher or more regular child support payments while noncustodial parents' groups want lower child support payments and greater accountability as to how the support payments are spent. Other concerns of some noncustodial groups are the second family, custody and visitation.

There have been vast changes in the social and legal system regarding families. As Glendon (1989) points out, the freer terminability of marriage has been accompanied by revisions in laws governing the effects of divorce. She states that the interrelated problems of spousal and child support, property division and child custody have not been satisfactorily resolved by any country. "Perhaps no such resolution is possible in societies where serial family formation is common among persons of modest means" (Glendon 1989:197).

Child support, spousal support, child custody and property division are inseparable in real lawsuits. For, as Glendon notes, "to the extent that one spouse or the judge has the power to delay or even occasionally prevent a divorce until the desired financial or child custody arrangements are agreed to, one cannot say that the divorce itself is separate and distinct from the consequences of divorce" (Glendon 1989:197). To add to the complexity, Glendon reminds us that support and property division laws are intertwined with social assistance laws in each country.

In order to understand some of the complexities of child support, it is helpful to place it within its historical context, both legally and socially. If we have any hope of developing public policies regarding the family, especially in the area of child support, we must examine the evolution of the laws and family structure. This paper offers a brief historical overview of child support and some of the changes in the family structure.

The feminization of poverty was an undesirable outcome of some of the legal and social upheavals that occurred in the 1960s. As Glendon (1989:1) states:

> Legal norms which had remained relatively undisturbed for centuries were discarded or radically altered in the areas of marriage, divorce, family support obligations, inheritance, the relationship of parent and child, and the status of children born outside marriage. At the same time, in other branches of law not ordinarily thought of as family law, such as public assistance, employment, social security, and taxation, official regulation has increasingly touched everyday family life.

The increased federalization of child support has occurred as the outlay in welfare benefits soared with the increase in divorce and the subsequent rise in poor female-headed

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[1] See, e.g., Wehunt v. Ledbetter, 875 F 2d 1558 (11th Cir. 1989), *cert. filed sub nom.* Brown v. Ledbetter, 58 U.S.L.W. 3499 (Feb. 6, 1990) (No. 89-1030)(Clearinghouse No. 41,201); Johnson v. Min. No. Civ. 2-86-297 (E.D. Tenn. 1988)(Clearinghouse No. 41,558); Wilcox v. Ives, 676 F. Supp. 355 (D.Me.1987)(Clearinghouse No. 40,813); Vanscoter v. Bowen, 706F. Supp. 1433 (W.D. Wash. 1989)(Clearinghouse No. 41,726).

households. Support for many of the children on assistance was found to be irregular or absent. Federal intervention into the area of child support has helped close some of the gaps in collecting child support from absent parents, however, geographically and occupationally mobile parents who wish to evade child support obligations present a great challenge as do cases in which paternity has not yet been established. A summary of some of the laws that have been passed to further strengthen states' efforts in locating and collecting child support is presented.

Paternity and interstate are two subsections of child support that are particularly problematic in collecting child support. A review of the issues and some of the more promising strategies for improving collections are examined.

Finally, the paper concludes with some of the concerns and dilemmas that face America, as we continue to grapple with the changing structure of the family. Some of the proposed tax and child support systems are outlined. Inevitably, more questions are raised than are answered in this last section of the paper, but it is hoped that it will further the debate on how our country should best address the needs of its children.

CHILD SUPPORT AND THE CHANGING AMERICAN FAMILY

Legal History

Child support laws in the United States are of English origin. As our child support laws have developed, they have reflected the changing character of, and attitudes toward, the marital relationship in the United States. Further, they demonstrate how these changes impact the relationships between children and their parents.

Sir William Blackstone expressed the classic marital relationship of the early to mid-nineteenth century as, "the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband" (1899:441). This line of thought demonstrates the belief that women and children were possessions of the husband. With the right to possession went the obligation to support. The obligation to support was so dominant, that when couples separated, it was customary for the father to receive custody of the children of the marriage along with the obligation to support them.[2]

At the time of the Industrial Revolution, English laws relating to child custody began to undergo change. The shift from an agrarian to an industrially-based economy altered the structure of family life. No longer were the work place and the home one and the same. The separation of the father from the home allowed the mother to develop greater decision making over household matters. Children, in an industrial setting, tend to lose their value as economic assets. "Custody of minor children, which had belonged to fathers so long as children were perceived as economic assets, had already begun to be regularly given to mothers by the early twentieth century, and child support to be awarded for their basic

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[2] McAllen v. McAllen, 97 Minn. 77, 106 N.W. 100 (1906).

needs" (Glendon 1989:198). The mother began to be recognized as the children's primary care giver (Foster and Freed, as cited in Lieberman 1986:2).

Late nineteenth century American courts also began to accept the presumption that maternal care was in the best interests of children as opposed to a father's absolute right of custody. This was formalized by American courts during the early twentieth century with the adoption of the *tender-years* doctrine. This doctrine was comprised of a presumption that children were especially dependent on a mother's love and care during their early years.[3]

The *tender-years* doctrine has lost ground throughout the United States, and is being replaced by the norm of gender neutrality in the removal of the mother presumption and the increase in joint custody statutes. "While American statutory law has established a neutral ideal of *best interests of the child* as the standard for child custody decisions, American courts have continued to award custody to the mother unless there was clear evidence that she was unfit" (Lieberman 1986:3). "In a 1984 review of custody standards, Freed and Foster concluded that almost all states now base custody awards on the *best interests of the child*--a sex-neutral standard that allows the court to consider whatever it deems relevant--and that most states have adopted guidelines for *best interest* from the Uniform Dissolution of Marriage Act" (Weitzman 1985:49). "A number of states have enacted a *friendly parent* provision, so that in cases in which the parents are disputing for primary residential custody, preference goes to the parent who is most willing to encourage or allow ample visitation with the other parent" (Maccoby, et al. 1990:141).

Changes in the Economy and Marriage and the Family

The division of labor became more rigid as men moved to work places outside the home. The role of the man became increasingly defined in economic terms, and he became known as the breadwinner. With the increased economic responsibility for providing for his family, there was an accompanying decrease in his day-to-day contact with the children in the family. Increasing industrialization translated into improvements in the earnings of many industrial workers due to labor reforms.

In the twentieth century, sufficient improvements in working conditions had been made to allow many families to have one wage earner. This pattern emerged into the breadwinner-homemaker prototypical family. "Unlike their mothers and grandmothers, who had been needed as important collaborators in interdependent family enterprises, they and their children found themselves dependent on husbands and fathers who worked outside the home and who no longer depended on them, except in an emotional sense. This was the beginning of the end of marriage as a reliable support institution" (Glendon 1989:111-112).

The full-time homemaker role put women and children at greater risk of poverty as marriage dissolution by divorce and departure became more common. Before, women were economically interdependent within the family, not economically dependent. "So long as divorce was exceptional, and the norms of convention, custom, ethics, and religion supported

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[3] Krieger v. Krieger, 5 Idaho 301, 81 P.2d 1081 (1938).

the ideal of indissolubility of marriage, economic dependence did not seem dangerous. But as divorce increasingly came to be considered a right, necessary for each individual's pursuit of happiness or self-fulfillment, the situation of a married woman without income or resources of her own became precarious indeed" (Glendon 1989:112).

Advances in technology and automation in the work place brought about another major shift in the labor force composition. The swing from a primarily goods-producing economy to a service-providing economy brought more women into the labor force. Since 1950, there have been increasing numbers of working women. As late as 1970, as shown in Figure 1, women dropped out of the labor force during their childbearing years, producing the classic *M-shaped*

Figure 1

labor force participation curve. In contrast, men have an *inverted-U*shaped labor force participation curve due to their continuous attachment to the labor force at all but the extreme age groups. "By 1980, we see mothers of young children working in such proportions that the basic age-specific labor force participation curve is flattened out so that there is barely an indentation during the childbearing years" (Welch 1987:21). By 1988, women's labor force participation curve has taken on the *inverted-U* shape characteristic of men's labor force patterns.

The movement of women into the labor force has created a less rigid division of labor. The father's economic contribution to the household decreases as the mother's economic contribution increases. This should more closely resemble the interdependence within the family that was prevalent in the pre-industrial family. There are some important differences, however, that have to do with economic structure and family formation. A premodern family was more self-sufficient and produced more of their consumable goods. Marriages only endured as long as the partners, and having children within a family from two or more unions was not uncommon. From the sixteenth to the nineteenth century, marriages were of similar duration as today and remarriage was as common. Lawrence Stone, as cited in Glendon (1989:194), pointed out that marriages lasted fifteen years or less due to the death of a partner in early modern England and France.

"Thus it is not the perishability of marriage (or even the frequency of remarriage) that is modern, but the role that individual choice now plays in both the formation and the dissolution of marriage" (Glendon 1989:194). What also distinguishes the modern family from the premodern family is the support system for the children from the dissolved marriage. Widowed men with dependent children typically remarried within a short time. Women with dependent children either remarried or often moved in with other relatives or into boarding homes. Supplements to the family income often came from the taking in of boarders, work that could be done at home and sending older children out to work. It was not until 1935 that the federal government provided any money to be paid to children whose parent or parents had died or deserted them, as long as they resided in a relative's home.

It may be, however, that as women's economic contributions to the household rise in relation to men's, that a greater sense of partnership and economic interdependence might result in less marital disruption. This assertion, however, runs counter to the theory that greater economic independence of women may reduce the probabilities of staying married. Indeed, it appears that it is among women with relatively high earnings that marital stability isnoted. Greenstein (1990), in an analysis of the National Longitudinal Survey of Labor Market Experiences of Young Women, found that earnings appear to serve as a stabilizing force in some marriages. "As other writers have pointed out, the additional income from the wife's employment may serve to increase the amount of marital specific capital (e.g., home ownership, durable goods, children, and market and nonmarket skills), consequently, making divorce or separation a less attractive alternative for both wife and husband" (Greenstein 1990:674).

Age at marriage is delayed among women who worked prior to marriage, especially among women in management and the professions, and women who marry later have lower probabilities of marital disruption. This increased commitment to the labor force and success in a career effectively raises the costs of becoming a wife.

Greenstein (1990:675) concludes:

> Finally, the findings present an interesting implication for future trends in divorce rates: if wife's income tends to stabilize marriage, we may find (Martin and Bumpass, 1989, to the contrary) that current and future marriage cohorts might actually have *lower* long-term probabilities of divorce and separation as a result of this stabilizing effect. The findings suggest that this stabilizing effect is especially likely if women continue to enter high-paying occupations (although, paradoxically, the results also suggest that women working relatively long hours for relatively low wages may be at greater risk of divorce).

The Uniform Marriage and Divorce Act of 1970, as set forth by the Uniform Law Commissioners, allowed the sole ground of divorce to be the *irretrievable breakdown* of the marriage. This marked the formal beginning of the no-fault divorce movement that permitted free terminability of marriage.

As Glendon (1989:231) notes, so far as child support is concerned, the Uniform Marriage and Divorce Act was typical of state statutes:

> Section 309. [*Child Support.*] In a proceeding for dissolution of marriage...or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:
>
> (1) the financial resources of the child;
> (2) the financial resources of the custodial parent;
> (3) the standard of living the child would have enjoyed had the marriage not been dissolved;
> (4) the physical and emotional condition of the child and his educational needs; and
> (5) the financial resources and needs of the noncustodial parent.

The Uniform Marriage and Divorce Act of 1970 is no longer on the books in most states. The Family Support Act of 1988 has, in effect, revolutionized the method by which child support payments are ordered. By requiring that states adopt rebuttable presumption child support schedules, the federal government has made it possible to set higher support amounts, based on a standard economic table. If deviation from the schedule occurs, the justification for the deviation must be documented. The reason the Family Support Act of 1988 mandated the adoption of rebuttable presumptive schedules was to make the setting of support orders more uniform and to discontinue the practice of setting very low child support orders.

Early evidence indicates that post-schedule ordered child support amounts are higher than pre-schedule amounts. In a study of Colorado, Hawaii and Illinois, researchers concluded that there was a "small, but significant increase in award levels across all three states" (Tjaden, et al. 1989:9).

A study of court and administrative child support orders was conducted six months after Washington state adopted a rebuttable presumptive schedule (Welch, et al. 1990). The study revealed that the adoption of the standard economic schedule was not uniform. Legislation was subsequently written that required the judge to initial the controlling economic work sheets to ensure compliance with the schedule. Summary sheets regarding the child support ordered are then submitted to the Administrator for the Courts to provide documentation on use of the schedule and deviations from the schedule.

Mothers, in their typical role as custodial parent, provide their support duties through noncash means, such as through care and services. "The amounts of child support customarily awarded from noncustodial parents have been low, typically covering less than half the costs of raising a child, and representing only about 13 percent of the father's income" (Glendon 1989:232, citing 1983 data from the Census Bureau). These types of figures from the Census Bureau were certainly instrumental in developing many of the provisions of the Family Support Act of 1988, which seeks to redress some of the inequities in setting support amounts for children. The most important of these in this regard is the mandate of the presumptive support schedule.

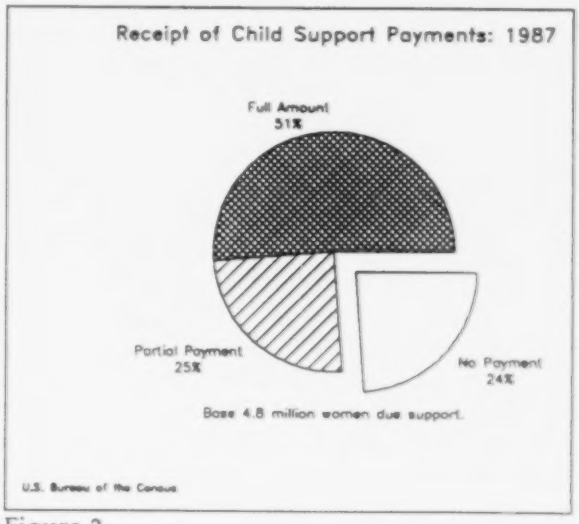

Figure 2

The Census Bureau estimates the number of mothers living with their own children under 21 years of age whose fathers were not living in the households at 9.4 million as of spring 1988. The rate of poverty in 1987 for all women with children from an absent father was 34 percent. As of spring 1988, only 59.0 percent of women with children from an absent father were awarded child support. As Figure 2 shows, only slightly more than half the women awarded support actually received full payment, with the remainder fairly equally divided between receiving no payment or partial payment (U.S. Bureau of the Census 1990:4).

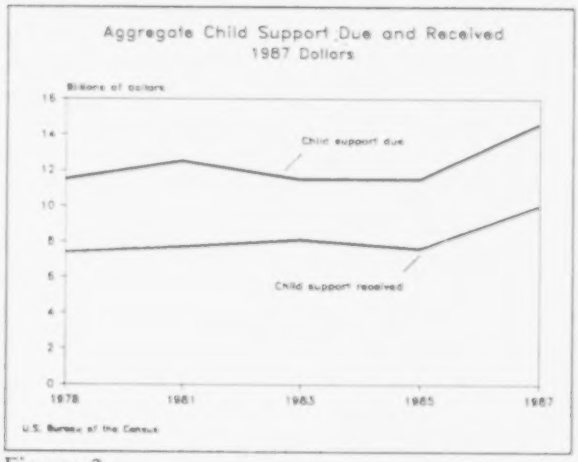

Figure 3

"Women who were awarded and received support payments for their children were better off in terms of mean total money income in 1987 than women who were not awarded or did not receive payments" (U.S. Bureau of the Census 1990:6). Figure 3 depicts the disparity between the amount of child support due and the child

support paid from 1978 to 1987. "In 1987, on average, child support payments were 19.0 percent of the total money income of all women who received payments, and 36.6 percent of the total of women with income below poverty who received payments" (U.S. Bureau of the Census 1990:6).

Glendon (1989:232) sums up some of the problems child support has had in the past:

> Part of the problem in the United States seems to be that judges, in exercising their virtually uncontrolled discretion, tend to protect the former husbands' standard of living at the expense of ex-wives and children. A second problem is the system's heavy reliance on private ordering with very little judicial supervision of the spouse's agreements on child support. The difficulties of interstate enforcement in a federal system provide an added layer of complication.

The discretion of judges in child support cases has now been reduced by the introduction of the rebuttable presumptive child support schedule. Other hoped-for improvements were first set forth in the 1984 Child Support Enforcement Amendments and were further strengthened in the Family Support Act of 1988. Some of the areas being watched most closely by the federal government are the adoption of presumptive rebuttable guidelines for support amounts, further enabling resources for paternity and interstate cases, modifications of child support orders and automatic wage withholding.

FEDERAL INTERVENTION INTO CHILD SUPPORT

One theme that carried over from the industrial revolution was the parents' responsibility to support children at issue and to provide for them even if divorced. Eventually, every state passed legislation formalizing this parental obligation and provided civil remedies for failures to meet this obligation (Lieberman 1986:3).

The nonsupport statutes of many states are based on the Uniform Desertion and Nonsupport Act in 1910 approved by the National Conference or Commissioners on Uniform State Laws. "This act created a criminal action against fathers who failed to support their children under 16 years of age" (Garfinkel 1990:159). Twenty-four states adopted the act with various modifications. It was not, however, successful. "Using a criminal procedure took the nonsupporter away from his job and, by giving the parent a label as a criminal, made future employment more difficult; in addition, the out-of-state parent had to be returned to the home state for trial at great expense" (Garfinkel 1990:159).

In 1935, the federal government became marginally involved in the law of child support when it created Aid to Dependent Children (ADC) under the Social Security Act. This program was developed to provide federal funds for children whose parents had died or deserted them. Money was sent from the federal government to the states for distribution to children under the age of 16 who resided with one parent or other relatives. The idea was to provide for dependents in a family setting rather than in an institutional one.

The National Conference of Uniform Laws promulgated the Uniform Reciprocal Enforcement of Support Act (URESA) in 1950,[4] following the passage of a law in the state of New York allowing a mother or a child to bring a lawsuit to collect support in New York and enforce the resulting judgment in the state of the delinquent father. "Eventually, every American state and territory adopted this law, which improved child support enforcement procedures among the various jurisdictions" (Lieberman 1986:6).

URESA provided a mechanism for interstate child support collection. However, as Lieberman points out (1986:6), it did not provide a mechanism for solving two important problems. First, it did not make the collection of child support a priority for prosecutors. Therefore, the incidents of delinquent payments of support from parents residing within the same state remained high. Second, divorces among couples with children began to increase in 1958 and have remained at high levels. There was a corresponding increase in the number of children who went on welfare. Due, in part, to an inability to take steps against delinquent parents, by 1973, the Aid to Families with Dependent Children (AFDC)[5] program was costing the public $7.6 billion per year.

Congress responded to this situation by passing the Child Support and Establishment of Paternity Act of 1974, creating Title IV-D of the Social Security Act. The purpose of this act was to cut the costs of welfare by inducing the states to go after fathers avoiding their child support obligations. If a state did not meet standards set under the Act, its AFDC budget would be reduced 5 percent. If the state complied with the Act, the federal government would pay 75 percent of its cost. This statute also required each state to establish a parent locator service and required each applicant for AFDC to assign their child support collection rights to the state and cooperate in locating missing fathers. Further, this program was made available to the parents of children not on welfare, thus increasing its availability to the public. The programs induced by this Act have proven successful. The program now collects in excess of $4 billion of child support annually (Krause 1990:6).

The year 1984 is a watershed in terms of federal involvement to push for uniformity among the states. The Child Support Enforcement Amendments (CSEA) were passed in 1984. "The CSEA were nothing short of revolutionary in one sense--they basically federalized a large part of child support law and mandated that state IV-D programs provide a broad range of services" (Houseman 1990:6). The states were required to use wage withholding as the primary method of enforcing payment and to adopt guidelines for setting the amount of the obligation. What had become apparent by this time was that enforcing the support obligation was not, by itself, going to ensure adequate support for the children. For a variety of reasons, the decision makers in the system had not kept child support orders in line with the escalating costs of raising children. Payments of fifty dollars per month were still being ordered even though many of

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[4] The Desertion and Nonsupport Act of 1910 was replaced by the Uniform Reciprocal Enforcement of Support Act, which provided interstate enforcement in a civil action. The act of 1910, however, still remains the basis for nonsupport statutes of many states.

[5] In July, 1962, the Aid to Dependent Children program became the Aid for Services to Needy Families of Dependent Children. This program is usually referred to a. Aid to Families with Dependent Children (AFDC).

those parents could contribute more money toward the children they were ordered to support without much financial discomfort.

In 1988, Congress passed the Family Support Act, which incorporated many of the ideas that states had developed after the CSEA went into effect. Some of the major revisions of the IV-D system are as follows. First, as of 1994, child support payments will be withheld from absent parents' wages automatically and without regard to whether they are in arrears. Second, support guidelines must be used to determine child support obligations, and child support orders are to be reviewed every three years. Third, federal standards for the establishment of paternity must be met, and the federal government will pay 90 percent of the cost of laboratory tests to establish paternity. Such tests may be required by the contesting party. Finally, the legislation also mandates automatic tracking and monitoring systems, provides additional sources of information for the parent locator service, and authorizes the establishment of a commission on interstate child support (Krause 1990:11).

Thus, in 55 years, the federal government has turned 180 degrees in its role in developing and enforcing the law of child support. The increasing influence of federal mandates is moving states toward a more uniform system of child support. The Family Support Act of 1988 stopped just short of national standardization when it mandated states to develop rebuttable presumptive child support schedules. It allowed the states to develop their own support schedules. Certainly within the decade, one would expect to see the federal government mandate the adoption of a national support schedule.

COLLECTING CHILD SUPPORT IN PATERNITY CASES

Paternity cases have been neglected until recently. Twenty-five years ago, paternity was rarely ascertained. "Dominant social work doctrine proclaimed that the father should *not* be brought face-to-face with his (theoretical) support obligation because enforcement might inconvenience the mother. In any event, since the Aid to Families with Dependent Children (AFDC) system was paying for the child, support enforcement seemed quite unnecessary" (Krause 1990:4).

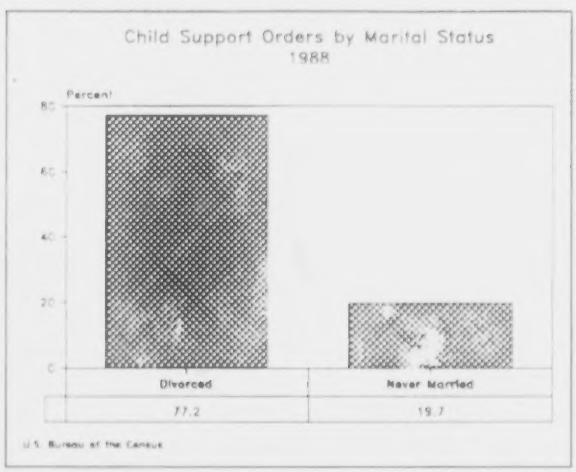

Figure 4

The comparison of child support orders by marital status indicates that never-married mothers are much less likely to have child support orders. As Figure 4 shows, only 19.7 percent of never-married mothers had orders compared to 77.2 percent of the divorced mothers in 1988 (U.S. Bureau of the Census 1990:5).

In order to get child support on a regular, continuing basis, it is usually necessary to obtain an order setting forth the amount to be paid. Both the lack of support orders and the fact that establishing paternity becomes increasingly difficult after one year following the birth of the

child, necessitated new techniques. Toward this end, many states are developing speedy paternity acknowledgement processes.

One of the speedy paternity acknowledgement processes that is most encouraging is the in-hospital paternity acknowledgement in Washington state. The rationale is to improve the number of paternity establishments so that more orders for support can be obtained. Once these are in place, then child support collections from paternities are expected to rise.

> Since July 1989, Washington law has required the attending physician, midwife, or their agents (the hospital) to give the unwed father a chance to acknowledge paternity of his newborn. They are given ten days from the birth date to do so (U.S. Department of Health and Human Services 1990:1).

For each signed and notarized affidavit, Washington's Office of Support Enforcement reimburses the agent $20 for costs. Both parents are given written information about the benefits and responsibilities of paternity, including the duty to support, and support enforcement services before asked to sign the paternity acknowledgement.

The father who signs a paternity acknowledgement form may request a blood test later to determine if he is indeed the biological father. He may also request a hearing on the support issue after acknowledging paternity.

The first assessment of the program has been completed. As can be seen in Figure 5, the number of in-hospital paternity acknowledgements has more that doubled since the program went into effect. In a review of 205 cases, no fathers had requested blood tests to contest the paternity affidavit or a referral to superior court on the support amount, and few fathers had requested hearings on the support amount.

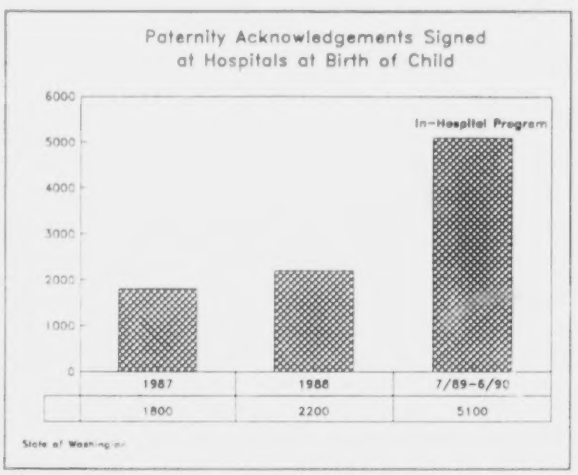

Figure 5

An examination of collections on paternity cases in which in-hospital paternity acknowledgement affidavits were signed needs to be undertaken. A group of paternity cases in which no in-hospital paternity acknowledgement affidavits were signed could then be compared to the in-hospital affidavit group to determine what effect the in-hospital process has on fathers' payment of child support. If significant differences exist between the two groups, with better payment histories attributed to the in-hospital affidavit group, then it appears it might be cost-effective to require paternity acknowledgement forms to be made available to all midwives, doctors, hospitals and birthing centers.

There are several important questions that such an analysis could answer, at least in part. The questions are those regarding the regularity of payment, the amount of payment, whether it is the full amount ordered and whether collections for these cases are substantially higher than for

other paternity cases. The last is perhaps the most important if increasing evidence shows that incomes of fathers in paternity cases are relatively low. The suspicion is that even by virtue of establishing paternity earlier, it is unlikely that collections will rise substantially. This, however, has not been borne out by actual findings. Developing pilot projects that would provide job training or education to low-income fathers through existing programs might be a way to address the income-earning potential of these fathers.

INTERSTATE COLLECTION SYSTEM

Some of the most difficult child support cases are those in which the parents reside in different states. There are three basic legal questions that are pertinent to interstate cases. "Does a state have *jurisdiction* over the problem and those persons connected with it? Which state *laws* should be applied to resolve the problem? What effect does a judgment rendered in one state have in another state?" (Reynolds 1989:1). Jurisdiction is the key.

> Once a court determines that a defendant has the requisite contacts with the forum, it can pass judgment on him. That judgment is final, must be respected everywhere; even if not final, it may still be accorded respect by other states. Choice of governing law, in the area of child support, is largely regulated by statute (Reynolds 1989:6).

Besides the jurisdictional issue is the fact that each state has its own laws, procedures and administrative and judicial entities that can greatly delay the resolution of an interstate case. "In today's highly mobile society, an effective interstate collection system for child support is essential. If some States do a poor job of collecting support from noncustodial parents in other States, it not only hurts children in that State, but it encourages some parents who want to avoid paying support to flee to other States" (House Committee on Ways and Means 1988:28).

The Child Support Enforcement Amendments of 1984 were passed by the U.S. Congress. Within the Amendments was the setting of time frames for interstate cases. The federal government has issued regulations that establish time frames for the processing of interstate cases.

The federal regulations are:

> §303.7 Provision of services in interstate IV-D cases.
>
> (a) Interstate central registry. (1) The State IV-D agency must establish an Interstate central registry responsible for receiving, distributing and responding to all inquiries on all Incoming Interstate cases, including
>
> URESA petitions and requests for wage withholding in IV-D cases, and at the option of the State, Intrastate IV-D cases no later than August 22, 1988.
>
> (2) Within 10 days of receipt of an Interstate IV-D case from an Initiating State, the central registry must:

(I) Ensure that the documentation submitted with the case has been reviewed to determine completeness;

(II) Forward the case for necessary action either to the State PLS [Parent Locator Service] for location services or to the appropriate agency for processing;

(III) Acknowledge receipt of the case and ensure that any missing documentation has been requested from the Initiating State; and

(IV) Inform the IV-D agency in the Initiating State where the case was sent for action.

(3) If the documentation received with a case is inadequate and cannot be remedied by the central registry without the assistance of the Initiating State, the central registry must forward the case for any action which can be taken pending necessary action by the Initiating State.

(4) The central registry must respond to inquiries from other States within 5 working days of receipt of the request for a case status review.

The Office of Child Support Enforcement's regulations state that conformance with federal regulations requires a state to:

1) resolve ninety percent (90%) of its IV-D Interstate cases within three (3) months of the date the agency receives or takes action on the case;

2) resolve ninety eight percent (98%) of its IV-D Interstate cases within six (6) months of the date the Agency receives or takes action on the case; and

3) resolve one hundred percent (100%) of its IV-D Interstate cases within one year of the date the Agency receives or takes action on the case.[6]

In summary, the Child Support Enforcement Act of 1984 has fundamentally increased the ability of custodial parents and individual states to collect past due and presently owing child support from parents who absent themselves from the state of original jurisdiction for whatever reasons. Procedural safeguards have been established to protect the rights of absent parents. The disparate treatment that has often occurred between intrastate and interstate collection of child support is decreasing. But problems in collecting from interstate cases remained. New federal regulations passed in February 1988 further strengthened the interstate collection procedure.

The United States Congress, by passing the Family Support Act of 1988, has adopted additional mandatory laws that will enhance interstate enforcement, such as immediate wage withholding, support guidelines as rebuttable presumptions, greater location resources and the establishment of the Interstate Child Support Commission. The Family Support Act is providing additional collection ability by allowing state Parent Locate Services access to files maintained by the Department of Labor. "Moreover, beginning in November 1990, states will have to obtain

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[6] 45 C.F.R. §303.101(b)(1987)

parental social security numbers as part of the process of issuing birth certificates" (Roberts and Mason 1989:917).

Several studies conducted at the state level from 1985 to 1987 focused on interstate enforcement. Congress, in May 1987, requested that the U.S. General Accounting Office (GAO) conduct a nationwide study of interstate child support enforcement. "Congress sought information on interstate caseloads and collections, and major barriers to effective interstate enforcement" (Haynes and Dodson 1989:v). The report was released in January 1989. They found little reliable data on interstate caseloads. "Based on responses to a survey distributed to the states, it determined that, on the average, interstate cases comprised 18% of a state's total caseload during the fiscal year 1987" (Haynes and Dodson 1989:v). Total interstate collections in IV-D cases for fiscal year 1987 were around $290 million, or about 7 percent or total child support collections.

Both the state studies and the national study pointed to several barriers in interstate enforcement. "They include slow processing times; lack of automation; insufficient staff; fragmented office structure; and low priority demonstrated by insufficient court time, low support awards, and almost nonexistent modification proceedings. One of the most frequently identified barriers is lack of information about various states' interstate laws and procedures" (Haynes and Dodson 1989:v).

Another major problem the studies uncovered was the excessive reliance on URESA[7] by attorneys and child support agencies. URESA is not only cumbersome, but it yields uncertain results in establishment of orders. Further, there are long delays when URESA is employed in interstate cases. Responding states reported an average of eight months to establish paternity and four months to establish support. Initiating states reported that responding states took 11 months to establish paternity and eight months to establish an order, according to the GAO study. In summary,

> These studies clearly suggest that URESA should not be the remedy of first choice in most interstate cases. Practitioners should be aware of the host of other interstate remedies to establish paternity, establish support, and enforce support. These include long arm statutes, administrative processes, interstate income withholding, the Uniform Enforcement of Foreign Judgments Act, allotments and garnishment against military and federal employees, federal and state income tax refund intercept, full IRS collection, and use of federal courts (Haynes and Dodson 1989:v).

Increasing automation and information sharing among states is one of the most promising means of improving interstate collections. Five states (Alaska, Idaho, Oregon, Utah and Washington) have joined forces to improve their interstate collection efforts with the creation of an electronic system of information distribution. This system is known as *WICP*. It runs off a central

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[7] The Uniform Reciprocal Enforcement of Support Act was approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association in 1950. Enacting states, under URESA, are required to reciprocate in the enforcement of duties of support.

computer, the *HUB*, located in Oregon. Request for information by any of the five states is transmitted to the central computer. As a central registry, the *HUB* digests the request and responds to the information requested by the soliciting state within 24 hours. Prior to the creation of *WICP*, such an information exchange literally took months. Three additional states are seeking to join *WICP*, and five more have made inquiries. Recently, the federal government began researching the feasibility of such a program on a national basis.

CHILD SUPPORT: THE DILEMMA OF A NATION

There are many unresolved issues in the arena of child support, many of which are and will continue to be bitterly debated in public forum. At the center of the storm is how to define the role of parents in their children's lives when the conjugal bond is attenuated. What responsibilities and rights does a biological father who has no social relationship with his offspring have? Is the biological or the social parent more important to the children's upbringing? Whose responsibility is it to support children if the father is unable to pay?

Child support alone cannot solve the nation's poverty and welfare problems of single mothers and their children. How much of this burden will the public share without an overhaul of the welfare system? Many researchers and public policy makers are struggling with these questions. First, researchers have identified seven key questions that need answers. Second, scholars have begun to propose tax changes and models of support based on European experience.

Seven key areas for child support research were outlined in 1988 by a number of researchers in the field of child support:[8]

1. To what extent can unwed fathers be compelled to support their children?
2. Are child support awards declining? If so, why?
3. Do underlying social mores and certain legal restrictions help to explain why payments are so low, and seem to be declining?
4. Will mandatory guidelines and periodic review increase the size of awards?
5. Will strengthened enforcement tools increase payments?
6. To what extent can heightened child support reduce the poverty of female-headed families?
7. How effective is the federal child support program? Who benefits from it? (Besharov and Tramontozzi 1988:1)

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[8] On December 2, 1988, the American Enterprise Institute and the Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, met, bringing together twenty of the nation's leading researchers on child support. They discussed current and future research developments in the area.

All of the research questions are concerned with the efficacy of child support enforcement. The broader concern of child support's contribution toward lifting children out of poverty is another major point of debate. Underlying the child support laws is the philosophy that it is the responsibility of the legal parents to support the child. Some argue that the social/legal relationship with the child, not the biological tie, binds them to a financial commitment. In Washington state and most states, it is the combination of social/legal and biological relationships that bind. Then, the question arises regarding the children who either receive no child support or receive amounts insufficient to raise them above the poverty level. Who is to support them?

The fundamental changes in family structure have forced a rethinking of our perceptions of the family and parental responsibility. The value-free approach to various family forms, especially the single-parent family, was moving into mainstream statements regarding the family until the extent of poverty among those families became painfully apparent. Reactions to these disturbing consequences ranged from wanting to ease some of the negative consequences to trying to force paternal responsibility. These reactions and equity issues are but a few of the driving forces for proposed changes in the current support system and for developing alternatives to private child support.

Fatherhood: What Does It Mean?

A basic dilemma is the very definition of fatherhood. Cherlin states that men in today's society, can define fatherhood as a voluntary activity. "Fathers can choose to play a greater role or no role at all" (Cherlin 1988:15). The 1950s, on the other hand, he argues, was a time when there was great social pressure for the man to support his wife and children, and there was no pressure to help with child care. He elaborates on the implications of some of these changes below:

> The question remains as to whether marriage today is as good a deal for men as it was during the heyday of the breadwinner-homemaker marriage. The gains from the easing of the breadwinner burden have probably been more than offset by the increasing pressures to do more around the home and the loss of services and support from busier working wives. Nonetheless, marriage still provides men with an emotional anchor that they need--perhaps increasingly so, according to one study. Yet some men may be able to satisfy these emotional needs from a series of two or three long-term relationships as well as they can from a lifelong marriage (Cherlin 1988:16).

In keeping with the voluntaristic notion of fatherhood, Furstenberg (1988) states that absent fathers have weak links to their children. Furstenberg (1988), in citing figures from the 1981 National Survey of Children, found that nearly half of all the children in mother-headed households had not seen their biological father during the year preceding the survey, and an additional one-sixth had seen him only once or twice in the past year. Only one-sixth of the children saw their fathers as often as once a week on average.

The longer the amount of time since the dissolution of the marriage, the less often the father contacted the child. In marriages that had dissolved ten years earlier, only one-third of the children had seen their fathers in the previous year. "The provision of child support is closely

related to the amount of contact maintained, which, in turn, is strongly associated with men's socioeconomic position" (Furstenberg 1988:203).

There are, of course, two sides to access to children. Some absent fathers argue that their efforts to remain actively involved in child rearing are discouraged by the mother. Some withhold child support in retaliation for not being permitted to visit their children frequently.

Furstenberg (1988) cites the National Survey of Children to provide input from the mothers. Three-fourths of the women in the survey stated that the fathers were not involved enough in child care responsibilities, and most stated that they wanted fathers to play a more active role in the children's upbringing.

Furstenberg concludes that many fathers are either unable or unwilling to maintain contact with their children after divorce, and that in effect, they view fatherhood as a transient status, with paternal obligations determined by residence. "Instead, men often assume child-rearing responsibilities in a new household after remarriage. This curious arrangement resembles a pattern of *child swapping*, whereby many men relinquish the support of biological children from a first marriage in favor of biological or stepchildren in a successive union" (Furstenberg 1988:203).

The demise of what Furstenberg refers to as *the good provider role* for the father has resulted from a combination of economic changes and ideological shifts. Returning to the nostalgic family of a generation ago is not likely, and many would say it is undesirable. How then are the interests of the children who are affected by dissolving marriages and unwed unions best served?

Proposals for Change

"Proponents of change have called for a variety of policies that might hasten the process of accommodation to the new family order: parent education to prepare men for future paternal roles, paternity leave to allow them to accept a fuller measure of care for infants, and flex time to enable them to invest more time in child-rearing and domestic duties" (Furstenberg 1988:211-212). Furstenberg is only slightly enthusiastic about the above measures' abilities to increase paternal involvement. He is opposed, however, to turning to a more benign and generous welfare system to make up for the shortfalls of what he calls *delinquent dads*. First, he questions how generous the welfare system would really be for children of single mothers. Second, children from single-headed families are seldom at par with children from two-parent families. Third, "policies that let men off the hook are bound to contribute further to the retreat of men from the family. That is bad for women, bad for children, and bad for men as well" (Furstenberg 1988:213).

Vigorous child support enforcement efforts are intended to make men feel more responsible for the children they father. Whether these efforts can produce a greater sense of paternal obligation remains to be seen.

Furstenberg agrees that while the *stick* approach to paternal participation is worth trying, so might a concurrent approach that adds a few *carrots*. He suggests several ways to make marriage more attractive and to discourage single parenthood. Among his suggestions are

eliminating the marriage penalty and creating tax incentives for marriage, especially for poor people with children. He believes such tax changes might help reduce disincentives to marriage.

Furstenberg also proposes a program of family assistance linked to Social Security payments. Added payments would accrue to couples who contributed to the support of children, encouraging fathers to pay child support. He also suggests providing bonus payments to households with two earners or two parents, or both.

Krause (1990) would argue with Furstenberg's tax incentive for marriage. As he sees it, tax laws based on marriage are the problem. The marriage penalty has been all but eliminated with the new nearly flat income tax rates.

> The real problem remains: tax law uses marriage, not children, as the tax-significant event. This approach has always conflicted with the underlying justification of income taxation--the ability to pay. Many modern forms of marriage have no bearing on ability to pay. More typically, marriage (or unwed cohabitation) reduces expenses by economies of scale and thus increases ability to pay (Krause 1990:31).

Krause asserts that tax preference or penalty should have nothing to do with marriage. "Instead, tax recognition and relief should be focused on children--where they are (affecting ability to pay) and where they were (affecting the *former* mother's ability to earn in step with her childless sister)" (Krause 1990:32).

In addition, Krause recommends subsidies where tax reductions have no effect. Among the subsidies he includes are work place flexibility without loss of long-term opportunity for those who choose to care for their own children, day care for workers and reentry assistance for parents.

Krause (1990) questions the direction in which child support enforcement is going. He questions how much support we can reasonably expect from absent parents, how much support we can expect from absent parents who either have no social relationship or have lost their social relationship with their children and how much of an emphasis we should place on the custodial parents' parental rights at the expense of the best interests of the child.

He concludes (1990:34):

> My thesis is simple: children have a right to a decent start in life. This right is the equal obligation of the father and mother. In recognition of a primary and direct responsibility, it also is equally the obligation of society. In summary:
>
> 1. The absent parent owes support commensurate with (a) his or her ability to pay; (b) the marital and sexual realities and expectations our society encourages or tolerates; and (c) the past and present social relationship with the child.

2. The custodial parent owes services and care in an environment conducive to the child's short- and long-term best interests (a) commensurate with his or her means and (b) subject to an objective minimum standard.

3. Society has a direct duty to the child to make up any shortfall (a) on the absent parent's side, by providing money and (b) on the custodial parent's side, intervening when care is not provided at a level called for by a minimal definition of the child's best interests.

There is increasing concern for the absent parent who is unable to meet his child support obligations because he is poor or unemployed, or both. There is growing interest in using the child support system to reach unemployed absent parents. "Several states have pilot projects offering these parents access to counseling, a spot in a Job Training Partnership Act (JTPA) program, or the like so that they can increase their skills, obtain a job, and pay support" (Houseman 1990:6).

Advance Maintenance and Assured Support Systems

A number of Western European countries have benefit programs to assist all families with children. Many Western European countries found, however, that even with a cash and in-kind benefit program, considerable poverty remained, especially among single-parent families. Advance maintenance systems were adopted in several countries[9] to help address the problem of poor single-parent families. In essence, the state has assumed primary responsibility for assuring a minimal level of support for children with absent parents.

> Under these systems, children with an absent parent are entitled to a monthly grant in addition to the family allowance. If the absent parent is unemployed or cannot be found or identified, the state funds the grant. Absent parents who can be located and are employed are taxed a certain percentage of their income each month to fund the grant. If the absent parent's income is too low to fund the grant fully, the state makes up the difference (Roberts 1988:597).

Two models discussed by Roberts (1988) that build on the European experience are those developed by Garfinkel and by Lerman. Garfinkel has proposed a plan, the Child Support Assurance System (CSAS), which is being tried on a pilot basis in Wisconsin.[10]

The philosophy is straightforward: absent parents must share their income with their children. "The sharing rate is specified in administrative code and, exceptional cases aside, depends only upon the number of children owed support. In Wisconsin this rate is equal to 17 percent of the noncustodial parent's gross income for one child, and 25, 29, 31, and 34 percent respectively for two, three, four, and five or more children" (Garfinkel 1988:13).

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[9] Austria, Australia, France, Denmark, Germany, Israel, New Zealand and Sweden

[10] New York has a pilot project for assured support, which is limited to AFDC recipients.

Garfinkel likens this form of support to a proportional tax on noncustodial parents. Payroll withholding is the primary means of collecting support owed.

Children are assured a minimum amount of support equal to either the child support payment from the noncustodial parent or a socially assured minimum benefit, whichever is higher. "The extra costs of the assured benefit are financed from AFDC savings that result from increased child support collections and from a small surtax up to the amount of the subsidy, which is paid by custodial parents who receive a public subsidy" (Garfinkel 1988:13).

"Conceptually, there are two differences between this system and the Swedish model: collection occurs through wage withholding rather than the tax system and only children whose absent parent is subject to a support order get the minimum guarantee" (Roberts 1988:598). This leaves children for whom paternity has not been established without any minimum assurance guarantee.

Roberts presents Lerman's proposal, which is a more universal child support assurance system. The problem is that Lerman sets a low minimum benefit. "He suggests a CSAS coupled with a tax credit that would guarantee $270 per month to a mother with two children and no other income" (Roberts 1988:598).

Roberts concludes by stating that these proposals are in the right direction for moving the debate forward. "Underlying both Lerman's and Garfinkel's work are the notions that 1) there is some minimal level of economic decency that society should guarantee to its children; 2) absent parents can do more, but they cannot do it all; 3) the state has an obligation to custodial parents to guarantee payments and not put the burden on custodians to make collections; and 4) most Western industrialized countries do have programs to guarantee children minimal decency" (Roberts 1988:598).

Both Wisconsin and New York have developed limited CSAS pilot programs. Many in the nation await results from these experiments. The expense for CSAS programs is likely to meet with the greatest opposition. Higher tax rates would accompany such a program unless substantial revisions are made to the welfare system simultaneously. Having the absent parent pay a proportion of earnings directly into the tax system, rather than through wage withholding might offset expenses, however, further cross-national research is needed in this area to determine not only costs and benefits, but also unintended consequences on family structure and tax burden.

The question that emerges is what truly distinguishes the CSAS-type programs from the public assistance programs currently in place. Some would argue that higher public assistance grants would result in the same outcomes. Perhaps the greatest difference is in the conceptualization and the actual mechanics of how the programs would work. The welfare programs are perceived negatively by taxpayers who are being asked to support children whose parents either cannot or will not support them. The European advance maintenance programs make cash and benefits available to all families, and provide grants to children of absent parents. The proposed assurance systems, however, seem to be little different than the existing welfare system, except they try to move us closer toward a more neutral and universal stance of supporting children. Any movement in that direction is welcome.

Conclusion

Using the tax system rather than wage withholding is worthy of further investigation. One of the most advantageous aspects to this program would be the flow of income information from absent parents into a centralized data base, as well as the possibility of improving collections from self-employed absent parents.

The improved well-being of families is the virtue of the European advance maintenance systems. The proposed child support assurance systems move us further in that direction. Perhaps casting the issue in terms of bolstering our nation's economic competitiveness, as suggested by Bumpass (1990:493), holds the most promise.

> [O]ur society may be willing to commit *major* resources to prevent further deterioration of our economic competitiveness; and we may have the foresight to understand the importance for this goal of our investment in children. Adequate health insurance, quality day care, and a family income floor for all children seem essential ingredients for bolstering the human capital of the generation that must pay the taxes when we are old.

An answer to the question as to who is responsible for supporting children remains unanswered. In the current child support system, clearly the emphasis for responsibility is that of the legal parents. In practice, however, the responsibility is shared between parents and the nation.

Krause has raised some points, many of which make many of us uncomfortable, such as the importance of the biological parent who has had no social relationship with the child or who has severed that tie. Furstenberg is concerned about the ease with which some fathers move out of one family and assume a new paternal role in a subsequent family, and he proposes to use tax benefits to encourage marital relationships to remain intact. In the child support assurance system, the emphasis is on the child and the single-headed family with the state and the absent parent in partnership to supplement mothers' earnings. Such a policy is feared because it might further encourage the formation of single parent households.

Although Furstenberg is skeptical of paternal leave, parental education and flex time as a means of cementing the father-child relationship, it may be that it has not yet been given a fair trial in our country. Also, the process of having a father acknowledge paternity at birth may serve to improve his support obligations to his child. Because fathers in paternity actions are assumed to be low earners, the offering of job training, education and other employment enhancing opportunities may prove fruitful.

Narrowing some of the largest gaps in child support cases, for example interstate and paternity cases, will bolster collections, however, these too will reach a ceiling. In paternity cases, the ceiling may be low because of the meager earnings assumed to be typical of most absent fathers in this category. In interstate cases, there is little known about the absent parents. Even with greater ability to trace a Social Security number through a myriad of data bases, a particularly mobile individual who changes residences and jobs frequently will always be difficult to locate and may successfully evade paying the support obligation.

The questions and solutions that have been touched on here serve only to remind us that we need to carefully assess the unintended consequences public policies have. Detailed cross-national studies need to be carefully scrutinized to ascertain the costs and benefits of advance maintenance systems and what implications for families there would be by adopting such a system. Using the tax system for payment of support obligations should be explored further. Research into the links between changes in the tax system and human behavior needs to be examined to determine whether tax benefits for children or parents might have the desired outcomes. As Bumpass (1990:493) cautions:

> What is at issue is not the persistence of the institution of the family but, rather, the nature of family patterns in the relevant future--and the opportunities and costs of those patterns. Understanding the long-term character of institutional change should direct social policy toward the amelioration of negative consequences, rather than toward attempts to reverse the tide. The underlying causes are not in events or policies of the last several decades, and it is most unlikely that social policy can significantly alter the course of these trends.

Beneath the difficult issue of who should assume financial responsibility for children is reproductive decision-making, particularly among never married women. The erosion of the stigma of illegitimacy, the diminished importance of marriage, increased sexual freedom, the diminished emphasis on developing safe, effective and convenient birth control, and the emotional backlash regarding abortion have worked in tandem to greatly increase the number of nonmarital children. Unfortunately, they tend to be disproportionately poor.

Efforts are being made in many states to provide educational materials to high school students to explain the responsibilities of having children to both teenage boys and girls. In some cases, materials are made available at the junior high and elementary school levels as well. Spelling out the consequences of teenage pregnancy needs to be more universal in educational programs throughout the elementary through high school system. Integrated into such curricula should be the emphasis on the responsibility of parents to provide for their children, not just financially but emotionally.

In addition to these educational approaches, information and access to effective birth control methods need to be made available. This is a big hurdle because there is strong opposition to providing birth control information and access to teenagers for fear of encouraging sexual activity. A holistic approach to teaching the rights and responsibilities of future parenthood and providing birth control information and access could go a long way toward promoting the family as a socially functional entity. Also, encouraging girls to continue their education and develop careers may help delay the age at marriage, and reduce the likelihood of marital dissolution. These efforts, along with streamlining the child support enforcement and rethinking the welfare system, could work together so that there are fewer children for whom no one wishes to claim responsibility.

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